



PATENT  
Attorney Docket No. 1985/US/2

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled HAND HELD ORAL IRRIGATOR, which may be identified as Application No. 10/749,675, filed December 30, 2003, also known as Attorney Docket No. 1985/US/2, filed with Express Mail Label No. EV304883534US. I authorize the assignee, or its agent or representative, to fill in the application number for this application once it is available from the United States Patent and Trademark Office.

The persons named as inventors in this application are Clifford J. Snyder, Gary L. Sokol, and Roberta L. Callaghan.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, as attached.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application, having a filing date before that of the application on the basis of which priority is claimed:

- no such applications have been filed.  
 such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 U.S.C. § 119/365			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under 35 U.S.C. 120/365 of any United States or PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

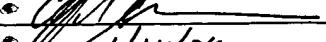
U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below:

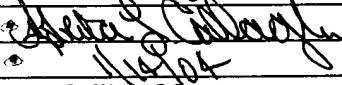
U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
60/437,300	31 December 2002	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Clifford J. Snyder
Inventor's Signature:	
Date:	1/14/04
Residence (City, State and/or Country):	Fort Collins, CO
Citizenship:	USA
Post Address Office:	509 East Prospect Road, Fort Collins, CO 80525

Inventor's Full Name:	Gary L. Sokol
Inventor's Signature:	
Date:	1-14-04
Residence (City, State and/or Country):	Longmont, CO
Citizenship:	USA
Post Address Office:	4526 Lucca Drive, Longmont, CO 80503

Inventor's Full Name:	Roberta L. Callaghan
Inventor's Signature:	
Date:	1-14-04
Residence (City, State and/or Country):	Fort Collins, CO
Citizenship:	USA
Post Address Office:	3006 Placer Court, Fort Collins, CO 80526



### § 1.56 duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Each other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor.

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A S S I G N M E N T

WHEREAS, we, Clifford J. SNYDER, Gary L. SOKOL and Roberta L. CALLAGHAN, whose post office addresses are shown below, have made a certain new and useful invention relating to a Hand Held Oral Irrigator, for which we have made application for Letters Patent of the United States, which application may be identified in the United States Patent Office as Application Serial No. 10/749,675 filed on December 30, 2003, for HAND HELD ORAL IRRIGATOR; and

WHEREAS, Water Pik, Inc., a Delaware corporation, whose post office address is 1730 East Prospect Road, Fort Collins, Colorado 80553-0001, by an earlier Assignment dated March 7, 2003, owns all right, title, and interest in and to the U.S. Provisional Application Serial No. 60/437,300 filed December 31, 2002 entitled HAND HELD ORAL IRRIGATOR; and

WHEREAS, to the extent that we now own any right, title and interest in the invention described and claimed in Application Serial No. 60/437,300 not already transferred to Water Pik, Inc. by the earlier Assignment, we are desirous of assigning such interest to Water Pik, Inc.; and

WHEREAS, Water Pik, Inc. is desirous of acquiring the entire interest in and to said invention, said application and any continuation, continuation-in-part, divisional, renewal, or substitute thereof, international and foreign and regional applications corresponding thereto, and the Letters Patent, or any reissue or reexamination thereof, to be obtained therefor:

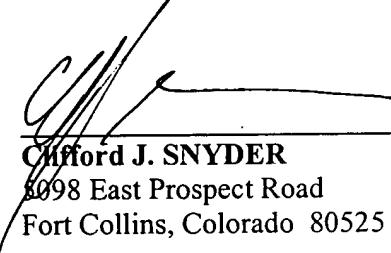
NOW THEREFORE, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration to us in hand paid, the receipt and sufficiency of which are hereby acknowledged, we have sold, assigned, and set over and by these presents do hereby sell, assign and set over unto Water Pik, Inc., and its legal representatives, successors and assigns, the entire right, title and interest in and to said invention, said application and any continuation, continuation-in-part, divisional, renewal or substitute thereof, international and foreign and regional applications corresponding thereto; and the Letters Patent, both foreign and domestic, that may or shall issue thereon, or any reissue or reexamination thereof, to the extent we own any part thereof; and we do hereby authorize and request the Commissioner of Patents to issue said Letters Patent to the above-mentioned assignee, consistent with the terms of this Assignment.

We HEREBY AUTHORIZE the above-mentioned assignee to insert in this instrument the filing date and serial number of said application, and the execution date of said earlier Assignment.

UPON SAID CONSIDERATION, we hereby covenant and agree with the said assignee that we will not execute any writing or do any act whatsoever conflicting with these presents, and that we will, at any time upon request, without further or additional consideration, but at the expense of the said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, continuation, continuation-in-part, divisional, renewal, reissued or extended Letters Patent of the United States, or of any and all foreign countries, on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of, the assigns and legal representatives of both parties.

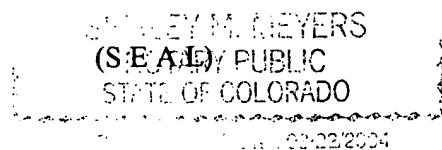
IN WITNESS WHEREOF, we have hereunto set our hands and affixed our seals on the date indicated below.

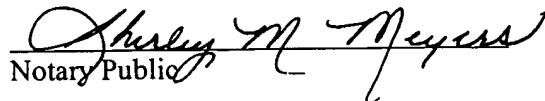
JAN 14, 2004

  
Clifford J. SNYDER  
3098 East Prospect Road  
Fort Collins, Colorado 80525

STATE OF COLORADO )  
                      )  
                      ) ss.  
COUNTY OF LARIMER )

On this 14<sup>TH</sup> day of JANUARY, 2004, before me a notary public in and for said county, appeared Clifford J. SNYDER, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.



  
Notary Public

My commission expires: 03/22/2004.

1-14, 2004

Gary L. Sokol  
Gary L. SOKOL  
4526 Lucca Drive  
Longmont, Colorado 80503

STATE OF COLORADO )  
                      )  
COUNTY OF LARIMER) ss.

On this 14<sup>th</sup> day of JANUARY, 2004, before me a notary public in and for said county, appeared Gary L. SOKOL, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(S E A L)

Shelly M. Meyers  
Notary Public

My commission expires: 8/22/2004.

1-14, 2004

Robert L. Callaghan  
Robert L. CALLAGHAN  
3006 Placer Court  
Fort Collins, Colorado 80526

STATE OF COLORADO )  
                      )  
COUNTY OF LARIMER ) ss.

On this 14<sup>th</sup> day of JANUARY, 2004, before me a notary public in and for said county, appeared Roberta L. CALLAGHAN, who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and acknowledged that he signed, sealed and delivered the same instrument as a free and voluntary act for the uses and purposes therein set forth.

(S E A L)

Shelly M. Meyers  
Notary Public

My commission expires: 8/22/2004.  
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